

ENTERED

August 31, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

PEOPLE FOR THE ETHICAL
TREATMENT OF ANIMALS, INC.,

Plaintiff.

VS.

M. KATHERINE BANKS,

Defendant.

CIVIL ACTION NO. 4:20-CV-2913

ORDER ADOPTING MAGISTRATE JUDGE'S MEMORANDUM AND RECOMMENDATION

On June 22, 2021, Defendant Michael K. Young’s Motion to Dismiss (Dkt. 16) was referred to United States Magistrate Judge Andrew M. Edison under 28 U.S.C. § 636(b)(1)(B). *See* Dkt. 30. Judge Edison filed a Memorandum and Recommendation on August 13, 2021, recommending that Plaintiff be given an opportunity to file a Second Amended Complaint and that Defendant Michael K. Young’s Motion to Dismiss (Dkt. 16) be **DENIED AS MOOT**. *See* Dkt. 35.

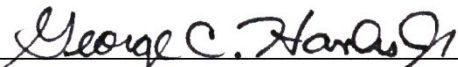
No objections have been filed to the Memorandum and Recommendation. Accordingly, the Court reviews the Memorandum and Recommendation for plain error on the face of the record. 28 U.S.C. § 636(b)(1); *see also* FED. R. CIV. P. 72(b)(3).

Based on the pleadings, the record, and the applicable law, the Court finds that there is no plain error apparent from the face of the record. Accordingly, it is hereby **ORDERED and ADJUDGED** that:

- (1) Judge Edison's Memorandum and Recommendation (Dkt. 35) is **APPROVED and ADOPTED** in its entirety as the holding of the Court;
- (2) Plaintiff shall file a Second Amended Complaint by **September 10, 2021**; and
- (3) Defendant Michael K. Young's Motion to Dismiss (Dkt. 16) is **DENIED AS MOOT**.

It is so **ORDERED**.

SIGNED at Houston, Texas, this 31st day of August, 2021.



GEORGE C. HANKS, JR.
UNITED STATES DISTRICT JUDGE